

In the United States Court of Federal Claims
(Bid Protest)

FMS INVESTMENT CORP., <i>et al.</i> ,)	
)	
Plaintiffs,)	Case Nos. 18-204C <i>et al.</i>
)	
v.)	Judge Thomas C. Wheeler
)	
THE UNITED STATES,)	
)	
Defendant,)	
)	
and)	
)	
PERFORMANT RECOVERY, INC., <i>et al.</i>)	
)	

**PLAINTIFF ALLIED INTERSTATE LLC’S
NOTICE IN RESPONSE TO THE COURT’S MAY 7, 2018 ORDER**

On May 7, 2018, the Government filed a motion to dismiss the above-captioned consolidated protests pursuant to Rule 12(b)(1) of the Rules of the United States Court of Federal Claims. *See* Dkt. No. 189. The Government’s motion asserts that its decision to cancel the solicitation at issue and to terminate for convenience its awards to Windham Professionals, Inc. and Performant Recovery, Inc. render these protests moot. *See id.* That same day, the Court ordered all parties in this litigation to file a notice with the Court on or before Friday, May 11, 2018, indicating whether they plan to oppose the Government’s motion. *See* Dkt. No. 190; *see also* Dkt. No. 200.

In response to the Court’s order, Plaintiff Allied Interstate LLC (“Allied”) states that it does not plan to oppose the Government’s motion. Allied requests that it be permitted to remain

a party to the protest (as plaintiff or intervenor) should the Court deny the Government's motion to ensure that Allied's specific interests are represented.

Dated: May 11, 2018

Respectfully submitted,

/s/ Stuart B. Nibley
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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of May, 2018, the foregoing document was filed through the Court's Electronic Case Filing ("ECF") System, which will automatically send a copy to all parties.

Dated: May 11, 2018

/s/ Stuart B. Nibley

Stuart B. Nibley